



**DEPARTMENT OF THE ARMY  
UNITED STATES ARMY LEGAL SERVICES AGENCY  
UNITED STATES ARMY COURT OF CRIMINAL APPEALS  
9275 GUNSTON ROAD  
FORT BELVOIR, VIRGINIA 22060**

July 2, 2020

Office of the Clerk of Court

MuckRock News  
DEPT MR 82208  
411A Highland Ave  
Somerville, MA 02144-2516

RE: FOIA Final Response

To whom it may concern:

We have revised your request for transcripts, court reporter notes, and related documents pertaining to criminal proceedings created or 28 U.S.C. 753. Your request for all such records in criminal proceedings from 1 January 2010.

The provision you cite, 28 U.S.C. 753, applies to district courts of the United States. This statutory provision does not apply to trials by court-martial. Trials by court-martial, and the requirements for transcribing court-martial proceedings, are governed by the Uniform Code of Military Justice, 10 U.S.C. 801 et seq., and the rules contained in the Manual for Courts-Martial, United States (2018). Courts-martial records of trial are not maintained publicly on a system such as PACER, although they may be requested under the Freedom of Information Act (FOIA).

If you elect to request records of trial under the FOIA, we ask that you narrow your request. Seeking all courts-martial records from 1 January 2010 would involve thousands of records – many voluminous – would be an overly broad request which would place an inordinate burden on this agency's resources.

Withholding of information constitutes a denial of your request. This withholding is made on behalf of Mr. Malcolm H. Squires Jr., Clerk of Court. For any further assistance and to discuss any aspect of your FOIA request, you have the right to contact the Army FOIA Public Liaison Officer, Ms. Alecia Bolling, by email at [us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil](mailto:us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil), or by phone at (703) 428-6238. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov), telephone number (202) 741-5770 (toll free at (877) 684-6448), or by facsimile (202) 741-5769. Otherwise, you may appeal this determination, within 90 days of the date of this letter, through our office to the Secretary of the Army, ATTN: Office of the General Counsel, Room 3C546, 104 Army Pentagon, Washington, D.C. 20310-0104. Ensure that you clearly label your correspondence "FOIA Appeal".

If you have any questions or need additional information, you may contact our office at [usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-foia@mail.mil](mailto:usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-foia@mail.mil) or via facsimile at (703) 806-0124. All correspondence should be directed to ATTN: FOIA/PA.

Thank you,

*Jerónimo G. Guzman*

Jerónimo G. Guzman  
U.S. Army Court of Criminal Appeals  
Government Information Specialist